

Exhibit 189

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.

Civil Action No. 07-10248-PBS

Exhibit to the September 22, 2009, Supplemental Declaration of James J. Fauci
In Support of Plaintiff's Motion for Partial Summary Judgment and
In Opposition to the Roxane Defendants' Motion For Partial Summary Judgment

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY) MDL No. 1456
AVERAGE WHOLESALE PRICE) Master File No.
LITIGATION) 01-12257-PBS
_____)
)
THIS DOCUMENT RELATES TO:) VIDEOTAPED
) DEPOSITION OF
United States of America ex rel.) THOMAS RUSSILLO
Ven-a-Care of the Florida Keys,)
Inc., v. Boehringer Ingelheim) JANUARY 8, 2009
Corp. et al., Civil Action No.)
07-10248-PBS, and The City of)
New York et al. v. Abbott)
Laboratories et al., Civil)
Action No. 03-10643-PBS.)
_____)

(Cross-noticed captions on following pages.)

1 IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI

2 FIRST JUDICIAL DISTRICT

3 - - - - -

4 STATE OF MISSISSIPPI,)

5 Plaintiff,)

6 vs.) Civil Action No.

7 ABBOTT LABORATORIES, INC., et al.) G2005-2021

8 Defendants.)

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14 Videotaped deposition of THOMAS RUSSILLO, a
15 witness herein, called for examination by counsel
16 for the plaintiff in the above-entitled matter,
17 pursuant to notice, taken at 18800 MacArthur
18 Boulevard, Corona del Mar Conference Room, Irvine,
19 California, beginning at 9:01 a.m. and ending at
20 5:06 p.m., on Wednesday, January 8, 2009, before
21 Lisa O'Sullivan, California Certified Shorthand
22 Reporter No. 7822, RMR, CRR.

1 political pressure on AWP currently, but it
2 shouldn't run our business." Do you see that?

3 A Yes, I do.

4 Q Is the political pressure on AWP the fact
5 that government was investigating AWP inflations?

6 MS. RIVERA: Object to form. Calls for
7 speculation.

8 THE WITNESS: Would you repeat that, please?

9 MR. FAUCI: Let me rephrase that.

10 Q Do you see that you're copied on
11 Mr. Sykora's e-mail?

12 A Yes, I do.

13 Q As you read what he writes, do you
14 understand -- what do you understand him to mean by
15 political pressure on AWP?

16 MS. RIVERA: Object to form.

17 THE WITNESS: I think he is referring to the
18 fact that he is aware that there are lawsuits
19 pending on AWP's and there are perceptions that AWP's
20 have been used incorrectly in the industry.

21 Q BY MR. FAUCI: He goes on to write, "Logic
22 dictates that no matter what the AWP is, if big